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Sikh man sues convenience store chain

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DURHAM — A Durham-based convenience store chain faces a federal lawsuit over its handling of two job applications from a man who immigrated to this country from India and claims it subjected him to religious and racial discrimination.

The chain, M.M. Fowler Inc., operates Family Fare stores throughout the state.

The lawsuit, filed Tuesday in federal court in Raleigh, alleges that one of the firm's account executives discriminated against Surjit Singh Saund, a 59-year-old resident of Wake County and adherent to the Sikh religion.

Sikhs can't shave or cut their hair, and must wear turbans. Saund has complied with those strictures throughout his life, his lawyers say.

They hadn't caused him trouble at other convenience-store jobs he's held since his arrival in this country, including one at a Mobil station that he's held for the past six years, the lawsuit said.

But Fowler's account executive allegedly told Saund the firm wouldn't hire him as a store operator unless he removed his turban, cut his hair and shaved, the suit claims.

The executive is said to have told Saund he "was familiar with the Sikh religion" but was enforcing company policy.

A second attempt by Saund to land a job with M.M. Fowler also failed. Saund's lawyers allege the same account executive that time showed him pictures of several Family Fare employees, "including two apparently non-Sikh Indians," that emphasized "their uncovered heads and shaved faces."

The company does, however, employ people with beards and long hair, the suit alleges.

The lawsuit claims the company's actions against Saund violated both federal and state anti-discrimination law. He is seeking damages or a job, and a permanent injunction barring the company from discriminating against employees or job applicants.

Saund's lawyers say he first took his complaint to the U.S. Equal Employment Opportunity Commission, which in June gave him a right-to-sue letter following "an unsuccessful attempt at conciliation with Fowler."

The letter is a procedural requirement that usually follows an EEOC investigation. It does not necessarily indicate commission staffers regard an allegation as true; they will issue letters in cases where they found no violation of law.

But they also issue letters in cases where they do think there's been discrimination, where the commission for staff shortages or other reasons opts against pursuing the matter itself.

The commission's website warns that employers do have to make what are termed "reasonable accommodations" for a worker's or applicant's religious practices.

It specifically mentions Sikhs as being among the faiths whose dress or grooming practices might require accommodation, save in cases of undue hardship.

A four-attorney legal team that includes a lawyer from an advocacy group called Public Justice, represents Saund. Based in Washington, D.C., Public Justice offers people help in civil-rights, environmental, labor and consumer-rights cases.

Also on the team are two lawyers from Debevoise & Plimpton, an international law firm that lists U.S. Attorney General Michael Mukasey among its partners.

A Raleigh lawyer, Laura Wetsch, rounds out Saund's legal team.

M.M. Fowler has yet to file its response to the lawsuit. State records indicate the company has been in operation since 1952.

Federal court records say U.S. District Judge Terrence Boyle is presiding over the case.